

Amendment After Final Rejection
Serial No. 10/091,050

Docket No. DE010063

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claim 1-6 are pending and stand rejected. Claims 1, 5, and 6 have been amended.

Claims 1-6 stand rejected under 35 USC 102(e) as being anticipated by O'Donnell (USP no.6,201,543).

Applicant respectfully disagrees with, and explicitly traverses, the reasons for rejecting the claims for the same arguments recited in applicant's response to the rejection of the claims in the prior Office Action, which are reasserted, as if in full, herein. However, in the interest of advancing the prosecution of this matter, the independent claims have been amended to more clearly state the invention. More specifically, the independent claims have been amended to recite that a search is performed along a line "in a plane of the image." No new matter has been added. Support for the amendment may be found on at least page 5, lines 10-14, which state "[t]he search for a structure point in the image, therefore, is carried out along a line n_i which extends in the image plane I and whose direction corresponds to the direction of the projection of the normal n on the image plane I."

The instant Office Action in maintaining the rejection of the claims states that O'Donnell discloses that the "search line is then described as being perpendicular to the line segments and therefore in the same plane as the image."

A claim is anticipated only if each and every element recited therein is expressly or inherently described in a single prior art reference.

In this case, the independent claims, as amended, recite subject matter not disclosed by O'Donnell as O'Donnell fails to disclose searching along a projection of the line n_i on the image plane I. Accordingly, O'Donnell cannot be said to anticipate the present invention, because O'Donnell fails to disclose each and every element recited.

Applicant believes that the reason for the rejection of the claim has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

With regard to independent claims 5 and 6, these claims recite subject matter similar to that recited in claim 1 and were rejected for the same reason used in rejecting

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claim 1. Thus, the remarks made in response to the rejection of claim 1 are also applicable in response to the rejection of claims 5 and 6. For the amendments made to the claims and for the remarks made with regard to the rejection of claim 1, which are reasserted, as if in full, herein, in response to the rejection of claims 5 and 6, applicant submits that the reason for rejecting these claims has been overcome. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

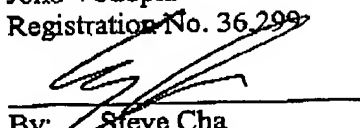
With regard the remaining claims these claims ultimately depend from independent claim 1, which has been shown to contain subject matter not disclosed by, and allowable over, the reference cited. Accordingly, these claims are also allowable by virtue of their dependency from an allowable base claim.

Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

Although the last Office Action was made final, this amendment should be entered. No matter has been added to the claims that would require comparison with the prior art or any further review only require a cursory review is required by the examiner. The amendment therefore should be entered without requiring a showing under 37 CFR 1.116(b).

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,
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